

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-cv-289-MOC-DCK**

**ALLSTATE INDEMNITY CO.,**

**Plaintiff,**

**vs.**

**JOHN P. DOHERTY, et al.,**

**Defendants.**

**ORDER**

This matter is before the Court on a Motion for Judgment on the Pleadings, filed by Plaintiff Allstate Indemnity Co., (Doc. No. 18), and on a Motion to Stay Pending Outcome of State Court Matter, filed by Defendants Laura L. Doherty, Dana P. Janke, Kimberley S. Wandrei, and Stuart A. Wandrei, (Doc. No. 25). This is a declaratory judgment action in which Plaintiff seeks a ruling from this Court that Plaintiff is not required to defend or indemnify Defendant John Doherty in an underlying state court lawsuit against him. See Janke v. Doherty, Mecklenburg County Superior Court, No. 19-cvs-23348.

For the reasons stated in Defendants' supporting memorandum, this Court finds that it is appropriate for this Court to stay this action until resolution of the underlying action in state court. That is, the Court agrees with Defendants that the Court must wait until the underlying action is resolved to rule on whether Plaintiff has a duty to indemnify.

As to whether Plaintiff must defend Defendant John Doherty in the underlying action, the Court will deny the motion for judgment on the pleadings at this time. As Defendants note, the

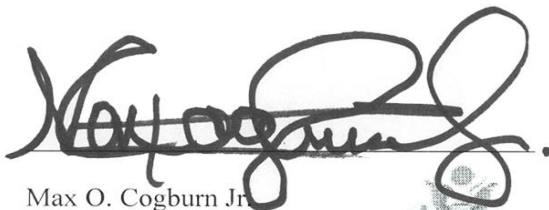
allegations in the Complaint in the state court action are sufficient to trigger Plaintiff's defense obligations.

Thus, Defendants' Motion to Stay, (Doc. No. 25), is **GRANTED**, and Plaintiff's Motion for Judgment on the Pleadings, (Doc. No. 18), is **DENIED**.

The parties shall notify the Court when the state court proceedings have concluded and whether the stay shall be lifted.

**IT IS SO ORDERED.**

Signed: December 10, 2020



Max O. Cogburn Jr.  
United States District Judge